

FILED

MAR 05 2013

**Board of Vocational Nursing
and Psychiatric Technicians**

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 State Bar No. 138213
KIMBERLEE D. KING
4 Deputy Attorney General
State Bar No. 141813
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2581
Facsimile: (213) 897-2804
7

8 *Attorneys for Complainant*

9 **BEFORE THE**
10 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. VN-2010-2208

14 **LEONARD ENRIQUE SERRATOS**
15 **a.k.a LEONARD SERRATOS**
550 East Gladstone Street, Apt. 133
Azusa, CA 91702

A C C U S A T I O N

16 Vocational Nurse License No. VN 254141

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
22 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
23 Technicians, Department of Consumer Affairs.

24 2. On or about November 9, 2010, the Board of Vocational Nursing and Psychiatric
25 Technicians (Board) issued Vocational Nurse License No. VN 254141 to Leonard Enrique
26 Serratos, also known as Leonard Serratos (Respondent). The Vocational Nurse License was in
27 full force and effect at all times relevant to the charges brought herein and will expire on June 30,
28 2014, unless renewed.

1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 **STATUTORY PROVISIONS**

5 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license
6 shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period
7 within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1
8 of the Code, the Bureau may renew an expired license at any time within four years after the
9 expiration.

10 5. Section 490 states, in pertinent part:

11 "(a) In addition to any other action that a board is permitted to take against a licensee, a
12 board may suspend or revoke a license on the ground that the licensee has been convicted of a
13 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
14 or profession for which the license was issued.

15 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
16 discipline a licensee for conviction of a crime that is independent of the authority granted under
17 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
18 of the business or profession for which the licensee's license was issued.

19 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
20 conviction following a plea of nolo contendere. Any action that a board is permitted to take
21 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
22 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
23 made suspending the imposition of sentence, irrespective of a subsequent order under the
24 provisions of Section 1203.4 of the Penal Code.

25 6. Section 2878 states:

26 "The Board may suspend or revoke a license issued under this chapter [the Vocational
27 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)) for any of the following:

28 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

1
2 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties
3 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive
4 evidence of the conviction.

5
6 "(j) The commission of any act involving dishonesty, when that action is related to the
7 duties and functions of the licensee.

8 7. Section 2878.8 states:

9 "The board may deny any application or may suspend or revoke any license issued under
10 this chapter based upon the denial of licensure, suspension, restriction, or other disciplinary action
11 of a license by another state, any other government agency, or by another California health care
12 professional licensing board. A certified copy of the finding shall be conclusive evidence of that
13 action provided that, if from another state, the findings establish an act which if committed in
14 California would be grounds for discipline."

15 REGULATORY PROVISIONS

16 8. California Code of Regulations, title 16, section 2521, states:

17 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
18 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
19 considered to be substantially related to the qualifications, functions or duties of a licensed
20 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
21 vocational nurse to perform the functions authorized by his license in a manner consistent with
22 the public health, safety, or welfare."

23 COST RECOVERY

24 9. Section 125.3 states, in pertinent part, that the Board may request the administrative
25 law judge to direct a licensee found to have committed a violation or violations of the licensing
26 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
27 case.

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1 10. **CONTROLLED SUBSTANCES**

2 a. "Ambien," is the brand name for Zolpidem. It is a Schedule IV controlled substance
3 designated by the Health and Safety Code section 11057 and is categorized as a dangerous drug
4 pursuant to section 4022.

5 b. "Klonopin," is a brand name for clonazepam, is an anti-anxiety benzodiazepine, and a
6 Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(7)
7 and is categorized as a dangerous drug pursuant to section 4022.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of a Substantially Related Crime)**

10 11. Respondent is subject to disciplinary action under sections 2878, subdivision (f), and
11 490, in conjunction with California Code of Regulations, title 16, section 2521, in that
12 Respondent has been convicted of a crime substantially related to the qualifications, functions or
13 duties of a licensed vocational nurse, as follows:

14 a. On or about April 26, 2011, after pleading nolo contendere, Respondent was
15 convicted of one interlineated misdemeanor count of violating Penal Code section 487,
16 subdivision (a) [grand theft] in the criminal proceeding entitled *The People of the State of*
17 *California v. Leonard Enrique Serratos* (Super. Ct. San Bernardino County, 2010, No.
18 FSB1004934). The Court sentenced Respondent to 180 days in jail and placed him on 36 months
19 probation, and ordered to pay victim restitution and court fines.

20 b. The circumstances surrounding the conviction are that on or about November 10,
21 2010, Respondent went to Toyota of Redlands to purchase a vehicle. Respondent issued two bad
22 checks to Toyota of Redlands as down payment for the vehicle. Respondent admitted that the
23 checks were issued from a closed Wachovia checking account. Respondent was subsequently
24 arrested.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Acts Involving Dishonesty, Fraud, or Deceit)**

27 12. Respondent is subject to disciplinary action under section 2878, subdivision (j), in
28 that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to

1 substantially benefit himself, or substantially injure another. Complainant refers to, and by this
2 reference incorporates, the allegations set forth above in paragraph 10, subparagraphs a and b, as
3 though set forth fully.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Disciplinary Action by Board of Pharmacy)**

6 13. Respondent's application is subject to denial under section 2878.8, in that on or about
7 August 5, 2010, Respondent sustained disciplinary action against his Pharmacy Technician
8 License, a health care professional license, by the Board of Pharmacy, a California health care
9 professional licensing board, as follows:

10 a. On July 6, 2010, the Board of Pharmacy, Department of Consumer Affairs issued a
11 Default Decision in the administrative matter entitled *In the Matter of the Accusation Against:*
12 *Leonard E. Serratos, Agency Case No. 3394*, which became effective on or about August 5, 2010.

13 Respondent's Pharmacy Technician Registration No. TCH 60575 was revoked. The
14 Decision is final and incorporated herein in fully by this reference.

15 b. The Accusation Case No. 3394 underlying the above-reference Decision alleged the
16 following violations follows:

17 i. Sections 4300 and 4301(f). In that Respondent prepared false pharmacy records
18 and/or represented false statements of facts.

19 ii. Sections 4300 and 4301 (j) and (o). In that Respondent refilled prescriptions for
20 himself and/or others without prescriber authorization at his place of employment.

21 iii. Sections 4300 and 4301 (d), (j), and (o). In that Respondent unlawfully furnished
22 drugs and controlled substances without valid prescriptions to himself and/or others; and

23 iv. Section 4300 and 4301 (j) and (o). In that Respondent possessed
24 Klonopin/Clonazepam and Ambien/Zolpiden, both controlled substances without valid
25 prescriptions.

26 c. The Decision is final and incorporated herein in fully by this reference.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 14. Respondent is subject to disciplinary action under section 2878, subdivision (a), on
4 the grounds of unprofessional conduct, in that Respondent committed acts which constitute
5 unprofessional conduct. Complainant refers to, and by this reference incorporates, the allegations
6 set forth above in paragraphs 11 through 13, as though set forth fully.

7 **DISCIPLINARY CONSIDERATION**

8 15. In order to determine the degree of discipline, Complainant alleges, as follows:

9 a. On or about October 12, 2010, in conjunction with the issuance of Respondent's
10 Vocational Nursing License the Board issued a Notice of Warning to Respondent for sustaining a
11 substantially related crime.

12 b. On or about January 14, 2010, after pleading nolo contendere, Respondent was
13 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
14 [driving while having 0.08% or more, by weight, of alcohol in his blood] in the criminal
15 proceeding entitled *The People of the State of California v. Leonard E. Serratos* (Super. Ct. Los
16 Angeles County, 2010, No. 0DY00024). The Court sentenced Respondent to 15 days jail, placed
17 him on 36 months probation, and ordered him to complete a first offender alcohol program. The
18 circumstances surrounding the conviction occurred on or about October 17, 2009 when
19 Respondent was arrested for driving while under the influence of alcohol.

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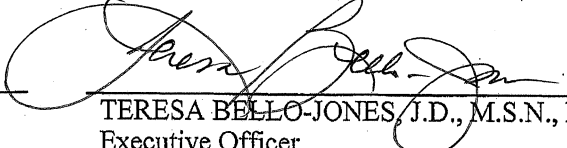
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Vocational Nurse License No. VN 254141, issued to Leonard Enrique Serratos, also known as Leonard Serratos;
2. Ordering Leonard Enrique Serratos to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: **MAR 05 2013**


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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